

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

LAURA MARIE BUXTON
425 Nell Circle
Placentia, CA 92870
and
41089 Vintage Circle
Temecula, CA 92591

Registered Nurse License No. 626873

Respondent.

Case No. 2007-237

OAH No. L-2007070316

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on March 14, 2008.

It is so ORDERED February 14, 2008.

LaTranene M Tate

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 LINDA SCHNEIDER
Supervising Deputy Attorney General
3 SUSAN FITZGERALD, State Bar No. 112278
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9 Attorneys for Complainant

10 **BEFORE THE**
BOARD OF REGISTERED NURSING
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12
13 In the Matter of the Accusation Against:

14 LAURA MARIE BUXTON
425 Nell Circle
Placentia, CA 92870
15 and
41089 Vintage Circle
16 Temecula, CA 92591

17 Registered Nurse License No. 426962

18 Respondent.
19

Case No. 2007-237

OAH No. L-2007070316

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 PARTIES

23 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of the
24 Board of Registered Nursing. She brought this action solely in her official capacity and is
25 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
26 by Susan Fitzgerald, Deputy Attorney General.

27 2. Respondent Laura Marie Buxton is represented in this action by attorney Phyllis
28 M. Gallagher, Esq., whose address is P. O. Box 1551 Wrightwood, CA 92397.

3. On or about September 25, 2003, the Board of Registered Nursing issued Registered Nurse License No. 626873 to Laura Marie Buxton (Respondent). The license was in full force and effect at all times relevant to the charges brought in Accusation No. 2007-237 and expired on October 31, 2007.

JURISDICTION

4. Accusation No. 2007-237 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. A true and correct copy of the Accusation and all other statutorily required documents were properly served on Respondent on April 2, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A true and correct copy of Accusation is attached as exhibit A and incorporated herein by reference as if fully set forth herein.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, discussed with counsel, and fully understands the charges and allegations in the Accusation. Respondent has also carefully read, discussed with counsel, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to *compel the attendance of witnesses and the production of documents*; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each charge and allegation in Accusation No. 2007-237.

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1 9. Respondent agrees that her registered nurse license is subject to discipline and she
2 agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order
3 below.

4 RESERVATION

5 10. The admissions made by Respondent herein are only for the purposes of this
6 proceeding, or any other proceedings in which the Board of Registered Nursing or other
7 professional licensing agency is involved, and shall not be admissible in any other criminal or
8 civil proceeding.

9 CONTINGENCY

10 11. This stipulation shall be subject to approval by the Board of Registered Nursing.
11 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
12 Registered Nursing may communicate directly with the Board regarding this stipulation and
13 settlement, without notice to or participation by Respondent or her counsel. By signing the
14 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek
15 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
16 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
17 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
18 action between the parties, and the Board shall not be disqualified from further action by having
19 considered this matter.

20 OTHER MATTERS

21 12. Costs of investigation and enforcement in this matter total to \$3,056.25 through
22 November 12, 2007.

23 13. The parties understand and agree that facsimile copies of this Stipulated
24 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
25 force and effect as the originals.

26 DISCIPLINARY ORDER

27 In consideration of the foregoing admissions and stipulations, the parties agree that the
28 Board may, without further notice or opportunity to be heard by respondent, issue and enter the

1 following Disciplinary Order:

2 IT IS HEREBY ORDERED that Registered Nurse License No. 626873 issued to
3 Respondent Laura Marie Buxton is revoked. However, the revocation is stayed, and Respondent
4 is placed on probation for three (3) years on the following terms and conditions:

5 **Severability Clause.** Each condition of probation contained herein is a separate
6 and distinct condition. If any condition of this Order, or any application thereof, is declared
7 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
8 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
9 and enforceable to the fullest extent permitted by law.

10 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full
11 and detailed account of any and all violations of law shall be reported by Respondent to the
12 Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
13 compliance with this condition, Respondent shall submit completed fingerprint forms and
14 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
15 as part of the licensure application process.

16 **Criminal Court Orders:** If Respondent is under criminal court orders, including
17 probation or parole, and the order is violated, this shall be deemed a violation of these probation
18 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

19 2. **Comply with the Board's Probation Program.** Respondent shall fully comply
20 with the conditions of the Probation Program established by the Board and cooperate with
21 representatives of the Board in its monitoring and investigation of the Respondent's compliance
22 with the Board's Probation Program. Respondent shall inform the Board in writing within no
23 more than 15 days of any address change and shall at all times maintain an active, current license
24 status with the Board, including during any period of suspension.

25 Upon successful completion of probation, Respondent's license shall be fully restored.

26 3. **Report in Person.** Respondent, during the period of probation, shall appear in
27 person at interviews/meetings as directed by the Board or its designated representatives.

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1 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or
2 practice as a registered nurse outside of California shall not apply toward a reduction of this
3 probation time period. Respondent's probation is tolled, if and when she resides outside of
4 California. Respondent must provide written notice to the Board within 15 days of any change of
5 residency or practice outside the state, and within 30 days prior to re-establishing residency or
6 returning to practice in this state.

7 Respondent shall provide a list of all states and territories where she has ever been
8 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
9 provide information regarding the status of each license and any changes in such license status
10 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
11 new nursing license during the term of probation.

12 5. **Submit Written Reports.** Respondent, during the period of probation, shall
13 submit or cause to be submitted such written reports/declarations and verification of actions
14 under penalty of perjury, as required by the Board. These reports/declarations shall contain
15 statements relative to Respondent's compliance with all the conditions of the Board's Probation
16 Program. Respondent shall immediately execute all release of information forms as may be
17 required by the Board or its representatives.

18 Respondent shall provide a copy of this Decision to the nursing regulatory agency in
19 every state and territory in which she has a registered nurse license.

20 6. **Function as a Registered Nurse.** Respondent, during the period of probation,
21 shall engage in the practice of registered nursing in California for a minimum of 24 hours per
22 week for 6 consecutive months or as determined by the Board.

23 For purposes of compliance with the section, "engage in the practice of registered
24 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
25 work in any non-direct patient care position that requires licensure as a registered nurse.

26 The Board may require that advanced practice nurses engage in advanced practice nursing
27 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

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1 If Respondent has not complied with this condition during the probationary term, and
2 Respondent has presented sufficient documentation of her good faith efforts to comply with this
3 condition, and if no other conditions have been violated, the Board, in its discretion, may grant
4 an extension of Respondent's probation period up to one year without further hearing in order to
5 comply with this condition. During the one year extension, all original conditions of probation
6 shall apply.

7 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain
8 prior approval from the Board before commencing or continuing any employment, paid or
9 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
10 performance evaluations and other employment related reports as a registered nurse upon request
11 of the Board.

12 Respondent shall provide a copy of this Decision to her employer and immediate
13 supervisors prior to commencement of any nursing or other health care related employment.

14 In addition to the above, Respondent shall notify the Board in writing within seventy-two
15 (72) hours after she obtains any nursing or other health care related employment. Respondent
16 shall notify the Board in writing within seventy-two (72) hours after she is terminated or
17 separated, regardless of cause, from any nursing, or other health care related employment with a
18 full explanation of the circumstances surrounding the termination or separation.

19 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding
20 Respondent's level of supervision and/or collaboration before commencing or continuing any
21 employment as a registered nurse, or education and training that includes patient care.

22 Respondent shall practice only under the direct supervision of a registered nurse in good
23 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
24 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
25 approved.

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Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours Respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with Respondent at least twice during each shift worked.

(d) Home Health Care - If Respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with Respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by Respondent with or without Respondent present.

9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict Respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

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1 Respondent shall work only on a regularly assigned, identified and predetermined
2 worksite(s) and shall not work in a float capacity.

3 If Respondent is working or intends to work in excess of 40 hours per week, the Board
4 may request documentation to determine whether there should be restrictions on the hours of
5 work.

6 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll
7 and successfully complete a course(s) relevant to the practice of registered nursing no later than
8 six months prior to the end of her probationary term.

9 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
10 Respondent shall submit to the Board the original transcripts or certificates of completion for the
11 above required course(s). The Board shall return the original documents to Respondent after
12 photocopying them for its records.

13 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its
14 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
15 amount of \$3,056.25. Respondent shall be permitted to pay these costs in a payment plan
16 approved by the Board, with payments to be completed no later than three months prior to the
17 end of the probation term.

18 If Respondent has not complied with this condition during the probationary term, and
19 Respondent has presented sufficient documentation of her good faith efforts to comply with this
20 condition, and if no other conditions have been violated, the Board, in its discretion, may grant
21 an extension of Respondent's probation period up to one year without further hearing in order to
22 comply with this condition. During the one year extension, all original conditions of probation
23 will apply.

24 12. **Violation of Probation.** If Respondent violates the conditions of her probation,
25 the Board after giving Respondent notice and an opportunity to be heard, may set aside the stay
26 order and impose the stayed discipline (revocation/suspension) of Respondent's license.

27 If during the period of probation, an accusation or petition to revoke probation has been
28 filed against Respondent's license or the Attorney General's Office has been requested to prepare

1 an accusation or petition to revoke probation against Respondent's license, the probationary
2 period shall automatically be extended and shall not expire until the accusation or petition has
3 been acted upon by the Board.

4 **13. License Surrender.** During Respondent's term of probation, if she ceases
5 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
6 probation, Respondent may surrender her license to the Board. The Board reserves the right to
7 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
8 take any other action deemed appropriate and reasonable under the circumstances, without
9 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
10 will no longer be subject to the conditions of probation.

11 Surrender of Respondent's license shall be considered a disciplinary action and shall
12 become a part of Respondent's license history with the Board. A registered nurse whose license
13 has been surrendered may petition the Board for reinstatement no sooner than the following
14 minimum periods from the effective date of the disciplinary decision:

15 (1) Two years for reinstatement of a license that was surrendered for any reason other
16 than a mental or physical illness; or

17 (2) One year for a license surrendered for a mental or physical illness.

18 **14. Physical Examination.** Within 45 days of the effective date of this Decision,
19 Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician
20 assistant, who is approved by the Board before the assessment is performed, submit an
21 assessment of the Respondent's physical condition and capability to perform the duties of a
22 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If
23 medically determined, a recommended treatment program will be instituted and followed by the
24 Respondent with the physician, nurse practitioner, or physician assistant providing written
25 reports to the Board on forms provided by the Board.

26 If Respondent is determined to be unable to practice safely as a registered nurse, the
27 licensed physician, nurse practitioner, or physician assistant making this determination shall
28 immediately notify the Board and Respondent by telephone, and the Board shall request that the

1 Attorney General's office prepare an accusation or petition to revoke probation. Respondent
2 shall immediately cease practice and shall not resume practice until notified by the Board.
3 During this period of suspension, Respondent shall not engage in any practice for which a license
4 issued by the Board is required until the Board has notified Respondent that a medical
5 determination permits Respondent to resume practice. This period of suspension will not apply
6 to the reduction of this probationary time period.

7 If Respondent fails to have the above assessment submitted to the Board within the 45-
8 day requirement, Respondent shall immediately cease practice and shall not resume practice until
9 notified by the Board. This period of suspension will not apply to the reduction of this
10 probationary time period. The Board may waive or postpone this suspension only if significant,
11 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
12 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
13 Only one such waiver or extension may be permitted.

14 **15. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**
15 Respondent, at her expense, shall successfully complete during the probationary period or shall
16 have successfully completed prior to commencement of probation a Board-approved
17 treatment/rehabilitation program of at least six months duration. As required, reports shall be
18 submitted by the program on forms provided by the Board. If Respondent has not completed a
19 Board-approved treatment/rehabilitation program prior to commencement of probation,
20 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a
21 program. If a program is not successfully completed within the first nine months of probation,
22 the Board shall consider Respondent in violation of probation.

23 Based on Board recommendation, each week Respondent shall be required to attend at
24 least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics
25 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed
26 by the Board. If a nurse support group is not available, an additional 12-step meeting or
27 equivalent shall be added. Respondent shall submit dated and signed documentation confirming
28 such attendance to the Board during the entire period of probation. Respondent shall continue

1 with the recovery plan recommended by the treatment/rehabilitation program or a licensed
2 mental health examiner and/or other ongoing recovery groups.

3 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall
4 completely abstain from the possession, injection or consumption by any route of all controlled
5 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same
6 are ordered by a health care professional legally authorized to do so as part of documented
7 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)
8 days, by the prescribing health professional, a report identifying the medication, dosage, the date
9 the medication was prescribed, the Respondent's prognosis, the date the medication will no
10 longer be required, and the effect on the recovery plan, if appropriate.

11 Respondent shall identify for the Board a single physician, nurse practitioner or physician
12 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and
13 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-
14 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report
15 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances
16 considered addictive have been prescribed, the report shall identify a program for the time
17 limited use of any such substances.

18 The Board may require the single coordinating physician, nurse practitioner, or physician
19 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive
20 medicine.

21 **17. Submit to Tests and Samples.** Respondent, at her expense, shall participate in a
22 random, biological fluid testing or a drug screening program which the Board approves. The
23 length of time and frequency will be subject to approval by the Board. Respondent is responsible
24 for keeping the Board informed of Respondent's current telephone number at all times.
25 Respondent shall also ensure that messages may be left at the telephone number when she is not
26 available and ensure that reports are submitted directly by the testing agency to the Board, as
27 directed. Any confirmed positive finding shall be reported immediately to the Board by the
28 program and Respondent shall be considered in violation of probation.

1 In addition, Respondent, at any time during the period of probation, shall fully cooperate
2 with the Board or any of its representatives, and shall, when requested, submit to such tests and
3 samples as the Board or its representatives may require for the detection of alcohol, narcotics,
4 hypnotics, dangerous drugs, or other controlled substances.

5 If Respondent has a positive drug screen for any substance not legally authorized and not
6 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board
7 files a petition to revoke probation or an accusation, the Board may suspend Respondent from
8 practice pending the final decision on the petition to revoke probation or the accusation. This
9 period of suspension will not apply to the reduction of this probationary time period.

10 If Respondent fails to participate in a random, biological fluid testing or drug screening
11 program within the specified time frame, Respondent shall immediately cease practice and shall
12 not resume practice until notified by the Board. After taking into account documented evidence
13 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may
14 suspend Respondent from practice pending the final decision on the petition to revoke probation
15 or the accusation. This period of suspension will not apply to the reduction of this probationary
16 time period.

17 18. **Mental Health Examination.** Respondent shall, within 45 days of the effective
18 date of this Decision, have a mental health examination including psychological testing as
19 appropriate to determine her capability to perform the duties of a registered nurse. The
20 examination will be performed by a psychiatrist, psychologist or other licensed mental health
21 practitioner approved by the Board. The examining mental health practitioner will submit a
22 written report of that assessment and recommendations to the Board. All costs are the
23 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a
24 result of the mental health examination will be instituted and followed by Respondent.

25 If Respondent is determined to be unable to practice safely as a registered nurse, the
26 licensed mental health care practitioner making this determination shall immediately notify the
27 Board and Respondent by telephone, and the Board shall request that the Attorney General's
28 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease

1 practice and may not resume practice until notified by the Board. During this period of
2 suspension, Respondent shall not engage in any practice for which a license issued by the Board
3 is required, until the Board has notified Respondent that a mental health determination permits
4 Respondent to resume practice. This period of suspension will not apply to the reduction of this
5 probationary time period.

6 If Respondent fails to have the above assessment submitted to the Board within the 45-
7 day requirement, Respondent shall immediately cease practice and shall not resume practice until
8 notified by the Board. This period of suspension will not apply to the reduction of this
9 probationary time period. The Board may waive or postpone this suspension only if significant,
10 documented evidence of mitigation is provided. Such evidence must establish good faith efforts
11 by Respondent to obtain the assessment, and a specific date for compliance must be provided.
12 Only one such waiver or extension may be permitted.

13 19. **Therapy or Counseling Program.** Respondent, at her expense, shall participate
14 in an on-going counseling program until such time as the Board releases her from this
15 requirement and only upon the recommendation of the counselor. Written progress reports from
16 the counselor will be required at various intervals.

17 ACCEPTANCE

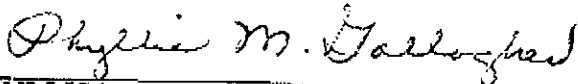
18 I have carefully read the above Stipulated Settlement and Disciplinary Order and have
19 fully discussed it with my attorney, Phyllis M. Gallagher. I understand the stipulation and the
20 effect it will have on my registered nurse license. I enter into this Stipulated Settlement and
21 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
22 Decision and Order of the Board of Registered Nursing.

23 DATED: 11-30-07

24
25 
26 LAURA MARIE BUXTON
27 Respondent
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1 I have read and fully discussed with Respondent Laura Marie Buxton the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary
3 Order. I approve its form and content.

4 DATED: 12/03/07

5
6 
7 PHYLLIS M. GALLAGHER, ESQ.
8 Attorney for Respondent

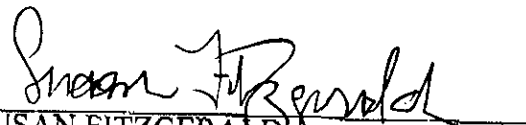
9 ENDORSEMENT

10 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
11 submitted for consideration by the Board of Registered Nursing of the Department of Consumer
12 Affairs.

13 DATED: 12/3/07

14
15 EDMUND G. BROWN JR., Attorney General
16 of the State of California

17 LINDA SCHNEIDER
18 Supervising Deputy Attorney General

19
20 
21 SUSAN FITZGERALD
22 Deputy Attorney General

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24
25
26
27
28 Attorneys for Complainant

Exhibit A
Accusation No. 2007-237

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 MARGARET ANN LAFKO
Supervising Deputy Attorney General
3 SUSAN L. FITZGERALD, State Bar No. 112278
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4 California Department of Justice
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Attorneys for Complainant
9

10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 2007-237

14 **LAURA MARIE BUXTON**
425 Nell Circle
15 Placentia, California 92870

ACCUSATION

16 Registered Nurse License No. 626873

17 Respondent.
18

19 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the Executive
22 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

23 2. On or about September 25, 2003, the Board issued Registered Nurse License
24 Number 626873 ("license") to Laura Marie Buxton ("Respondent"). The license will expire on
25 October 31, 2007, unless renewed.

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1 (c) Be convicted of a criminal offense involving the prescription, consumption, or self-
2 administration of any of the substances described in subdivisions (a) and (b) of this section, or
3 the possession of, or falsification of a record pertaining to, the substances described in
4 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
5 thereof.

6

7 (e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
8 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
9 section."

10 COST RECOVERY

11 7. Code section 125.3 provides, in pertinent part, that the Board may request the
12 administrative law judge to direct a licentiate found to have committed a violation or violations
13 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
14 enforcement of the case.

15 DRUGS

16 8. "Percocet," a brand of oxycodone, is a Schedule II controlled substance as
17 designated by Health and Safety Code section 11055(b)(1)(N).

18 9. "Darvocet - N" is a compound consisting of propoxyphene napsylate, a Schedule
19 IV controlled substance as designated by Health and Safety Code section 11057(c)(2), and
20 acetaminophen.

21 10. "Tylenol with Codeine No. 3" is a compound consisting of 30 mg. of codeine, a
22 Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(2),
23 and 300 mg. acetaminophen per tablet.

24 11. "Vicodin" is a compound consisting of 5 mg. hydrocodone bitartrate also known
25 as dihydrocodeinone, a Schedule III controlled substance as designated by Health and Safety
26 Code section 11056(e)(4), and 500 mg. acetaminophen per tablet.

27 12. "Morphine" is a Schedule II controlled substance as designated by Health and
28 Safety Code section 11055(b)(1)(M).

1 **CHARGES AND ALLEGATIONS**

2 **First Cause for Discipline**

3 **(Falsified, Made Incorrect or Inconsistent Entries In Hospital or Patient Records)**

4 13. Respondent is subject to discipline under Code section 2761(a), on the grounds of
5 unprofessional conduct as defined in Code section 2762(e), in that between
6 April 15, 2004, and April 25, 2004, while employed as a registered nurse at Pomona Valley
7 Hospital Medical Center ("PVHMC"), Pomona, California, Respondent falsified, made grossly
8 incorrect, grossly inconsistent or unintelligible entries in hospital or patient records in the
9 following respects:

10 **Patient 781315:**

11 a. On or about April 15, 2004, at 0814 hours, Respondent signed out
12 2 tablets of Percocet for administration, but failed to chart the administration of the medication or
13 otherwise account for the disposition of the medication on any hospital or patient record.

14 **Patient 389551:**

15 b. On or about April 15, 2004, at 0813 hours, Respondent signed out
16 2 tablets of Darvocet-N 100 for administration. Respondent charted the administration of the
17 medication on the Medication Administration Record ("MAR"), but failed to chart the
18 administration of the medication in the nursing notes.

19 c. On or about April 15, 2004, at 1105 hours, Respondent signed out
20 2 tablets of Vicodin for administration, but failed to chart the administration of the medication or
21 otherwise account for the disposition of the medication in any hospital or patient record.

22 d. On or about April 15, 2004, at 1312 hours, Respondent signed out
23 2 tablets of Vicodin for administration, but failed to chart the administration of the medication or
24 otherwise account for the disposition of the medication in any hospital or patient record.

25 **Patient 774941:**

26 e. On or about April 15, 2004, at 0811 hours, Respondent signed out
27 2 tablets of Tylenol #3 for administration. Respondent charted the medication on the MAR, but
28 failed to chart the administration of the medication in the nursing notes.

1 f. On or about April 15, 2004, at 1106 hours, Respondent signed out
2 2 Vicodin tablets for administration without a physician's order therefor. Thereafter, Respondent
3 failed to chart the administration of the medication or otherwise account for the disposition of the
4 medication in any hospital or patient record.

5 g. On or about April 15, 2004, at 1414 hours, Respondent signed out
6 2 tablets of Tylenol #3 for administration. Respondent charted the medication on the MAR, but
7 failed to chart the administration of the medication in the nursing notes.

8 h. On or about April 15, 2004, at 1516 hours, Respondent signed out
9 2 Vicodin tablets for administration without a physician's order therefor. Thereafter, Respondent
10 failed to chart the administration of the medication or otherwise account for the disposition of the
11 medication in any hospital or patient record.

12 i. On or about April 15, 2004, at 1716 hours, Respondent signed out
13 2 tablets of Tylenol #3 for administration, but failed to chart the administration of the medication
14 or otherwise account for the disposition of the medication in any hospital or patient record.

15 j. On or about April 15, 2004, at 1845 hours, Respondent signed out
16 2 tablets of Tylenol #3 for administration. Respondent charted the medication on the MAR, but
17 failed to chart the administration of the medication in the nursing notes.

18 **Patient 770179:**

19 k. On or about April 15, 2004, at 0852 hours, Respondent signed out
20 2 tablets of Tylenol #3 for administration. Respondent charted the medication on the MAR, but
21 failed to chart the administration of the medication in the nursing notes.

22 l. On or about April 15, 2004, at 1311 hours, Respondent signed out
23 2 tablets of Tylenol #3 for administration. Respondent charted the medication on the MAR, but
24 failed to chart the administration of the medication in the nursing notes.

25 m. On or about April 15, 2004, at 1415 hours, Respondent signed out
26 2 tablets of Vicodin for administration without a physician's order therefor. Thereafter,
27 Respondent failed to chart the administration of the medication or otherwise account for the
28 disposition of the medication in any hospital or patient record.

1 n. On or about April 15, 2004, at 1844 hours, Respondent signed out
2 2 tablets of Tylenol #3 for administration. Respondent charted the medication on the MAR, but
3 failed to chart the administration of the medication in the nursing notes.

4 **Patient 787839:**

5 o. On or about April 19, 2004, at 0746 hours, Respondent signed out
6 1 Vicodin tablet for administration without a physician's order therefor. Thereafter, Respondent
7 failed to chart the administration of the medication or otherwise account for the disposition of the
8 medication in any hospital or patient record.

9 p. On or about April 19, 2004, at 1003 hours, Respondent signed out
10 1 tablet of Tylenol #3 for administration. Respondent charted the medication on the MAR, but
11 failed to chart the administration of the medication in the nursing notes.

12 q. On or about April 19, 2004, at 1100 hours, Respondent signed out
13 1 Vicodin tablet for administration without a physician's order therefor. Thereafter, Respondent
14 failed to chart the administration of the medication or otherwise account for the disposition of the
15 medication in any hospital or patient record.

16 r. On or about April 19, 2004, at 1244 hours, Respondent signed out
17 1 Vicodin tablet for administration without a physician's order therefor. Thereafter, Respondent
18 failed to chart the administration of the medication or otherwise account for the disposition of the
19 medication in any hospital or patient record.

20 s. On or about April 19, 2004, at 1329 hours, Respondent signed out
21 2 tablets of Tylenol #3 for administration. Respondent charted the medication on the MAR, but
22 failed to chart the administration of the medication in the nursing notes.

23 t. On or about April 19, 2004, at 1710 hours, Respondent signed out
24 1 Vicodin tablet for administration without a physician's order therefor. Thereafter, Respondent
25 failed to chart the administration of the medication or otherwise account for the disposition of the
26 medication in any hospital or patient record.

27 u. On or about April 19, 2004, at 1711 hours, Respondent signed out
28 1 tablet of Tylenol #3 for administration. Respondent charted the medication on the MAR, but

1 failed to chart the administration of the medication in the nursing notes.

2 **Patient 387279:**

3 v. On or about April 24, 2004, at 0759 hours, Respondent signed out

4 (1) 10 mg. syringe of Morphine for administration. Respondent charted the medication on the
5 MAR, but failed to chart the administration of the medication in the nursing notes.

6 w. On or about April 24, 2004, at 0801 hours, Respondent signed out

7 3 tablets of Tylenol #3 for administration. At 0802 hours, Respondent wasted 1 tablet of Tylenol
8 #3, but failed to chart the administration of the medication on the MAR, or otherwise account for
9 the disposition of the medication in any hospital or patient record.

10 x. On or about April 24, 2004, at 1155 hours, Respondent signed out

11 2 tablets of Tylenol #3 for administration. Respondent charted the medication on the MAR, but
12 failed to chart the administration of the medication in the nursing notes.

13 y. On or about April 24, 2004, at 1219 hours, Respondent signed out

14 2 tablets of Tylenol #3 for administration without a physician's order therefor. Thereafter,
15 Respondent failed to chart the administration of the medication or otherwise account for the
16 disposition of the medication in any hospital or patient record.

17 z. On or about April 24, 2004, at 1421 hours, Respondent signed out

18 2 tablets of Percocet for administration without a physician's order therefor. Thereafter,
19 Respondent failed to chart the administration of the medication or otherwise account for the
20 disposition of the medication in any hospital or patient record.

21 aa. On or about April 25, 2004, at 0949 hours, Respondent signed out

22 2 tablets of Tylenol #3 for administration, but failed to chart the administration of the medication
23 or otherwise account for the disposition of the medication in any hospital or patient record.

24 bb. On or about April 25, 2004, at 1700 hours, Respondent signed out

25 2 tablets of Tylenol #3 for administration, but failed to chart the administration of the medication
26 or otherwise account for the disposition of the medication in any hospital or patient record.

27 cc. On or about April 25, 2004, at 1700 hours, Respondent signed out

28 2 tablets of Darvocet-N 100 for administration, but failed to chart the administration of the

1 medication or otherwise account for the disposition of the medication in any hospital or patient
2 record.

3 **Second Cause for Discipline**

4 **(Conviction of a Crime - Incident on 5/7/04 - Conviction 11/5/04)**

5 14. Respondent is subject to discipline under Code section 2762(f), in that she was
6 convicted of the a crime substantially related to the qualifications, functions or duties for which
7 Respondent holds a license:

8 a. On or about November 5, 2004, in the case of *People v. Laura Marie Buxton*,
9 (Super. Ct. San Diego County, 2004, Case No.CN179468), Respondent was convicted by the
10 Court on her plea of guilty to a misdemeanor violation of Vehicle Code section 23152(a) (driving
11 while under the influence of alcohol and/or drugs).

12 b. Respondent was sentenced to: 3 years probation; 80 days in jail, suspended for 3
13 years; \$2,000 in fines and fees; to attend and complete a First Conviction Program and MADD;
14 not to drive without a valid license and proof of liability insurance; and a 90 day restriction of her
15 driver's license, among other things.

16 c. The facts and circumstances surrounding Respondent's conviction include that
17 she was driving a minivan and stopped in a handicapped parking spot at the San Onofre
18 Inspection Facility on Interstate 5. When contacted by the California Highway Patrol (CHP), she
19 appeared impaired and made a number of incomprehensible/nonresponsive statements, including
20 that she had her son in the car with her when, in fact, there was no one else in the car.
21 Respondent admitted to drinking in Mexico and exhibited signs and symptoms of intoxication.
22 The CHP officer had to keep grabbing Respondent to keep her from falling down while he
23 explained the Field Sobriety Tests he intended to perform. Respondent did not perform the Field
24 Sobriety Tests as explained or demonstrated.

25 **Third Cause for Discipline**

26 **(Conviction of a Crime - Incident on 12/18/05 - Conviction on 4/27/06)**

27 15. Respondent is subject to discipline under Code section 2762(f), in that she was
28 convicted of the a crime substantially related to the qualifications, functions or duties for which

1 Respondent holds a license:

2 a. On or about April 27, 2006, in the case of *People v. Laura Marie Buxton*, (Super.
3 Ct. Riverside County, 2005, Case No.SWM045730), Respondent was convicted by the Court on
4 her plea of guilty to a misdemeanor violation of Vehicle Code section 14601.2(A) (driving while
5 license suspended or revoked). She was also convicted of two infractions, Vehicle Code section
6 16028A (no proof of financial responsibility), and Vehicle Code section 27315D1
7 (driver/passenger not restrained).

8 b. As a result of the above convictions, Respondent was fined.

9 **Fourth Cause for Discipline**

10 **(Conviction of a Crime Involving the Consumption of Alcohol)**

11 16. Respondent is subject to discipline under Code section 2761(a) on the grounds of
12 unprofessional conduct as defined in Code section 2762(c), in that on or about November 5,
13 2004, Respondent was convicted of a crime involving the consumption of alcohol, as more
14 particularly set forth above in paragraph 14 above and incorporated herein by reference.

15 **Fifth Cause for Discipline**

16 **(Dangerous Use of Alcohol)**

17 17. Respondent is subject to discipline under Code section 2761(a) on the grounds of
18 unprofessional conduct as defined in Code section 2762(b), in that on or about May 7, 2004,
19 Respondent used alcoholic beverages to an extent or in a manner dangerous or injurious to
20 herself and the public, as more particularly set forth above in paragraph 14 above and
21 incorporated herein by reference.

22 **PRAYER**

23 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein
24 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

25 1. Revoking or suspending Registered Nurse License Number 626873, issued to
26 Laura Marie Buxton;


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28 ///

1 2. Ordering Laura Marie Buxton to pay the Board of Registered Nursing the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
3 125.3; and,

4 3. Taking such other and further action as deemed necessary and proper.

5 DATED: 3/26/07

6
7 
8 RUTH ANN TERRY, M.P.H., R.N.
9 Executive Officer
10 Board of Registered Nursing
11 Department of Consumer Affairs
12 State of California
13 Complainant

11 SD2005800387